

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

May 6, 2021

VIA ECF

The Honorable Sarah Netburn
United States Magistrate Judge
Thurgood Marshall Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

We write concerning the Order Your Honor issued this afternoon.

The testimony of the witness in question is being received pursuant to the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, known as the Hague Evidence Convention. Pursuant to that treaty, the court in Sweden has been overseeing a formal proceeding to secure the testimony of the witness for nearly two years. The witness will be testifying as part of a formal court hearing in Sweden, before the Swedish judge, and with the involvement of Swedish counsel. Under the Hague Evidence Convention, we understand that the Swedish proceeding is governed by Swedish law and procedure.

In light of the foregoing, we understand that the Swedish judge presiding over the hearing will be required to make determinations about public access to the proceeding pursuant to Swedish law. The Swedish judge has previously established procedures under Swedish law to restrict access to the FBI protected material during the hearing.

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We thought it prudent to bring these issues to Your Honor's attention, as the witness' prose, undocketed letter did not accurately describe the legal process pursuant to which the testimony is being received.

Respectfully submitted,

KREINDLER & KREINDLER

/s/ Steven R. Pounian

Steven R. Pounian, Esquire
Andrew J. Maloney, Esquire
485 Lexington Avenue, 28th Floor
New York, NY 10017

For the MDL 1570 Plaintiffs' Exec.
Committee for Personal Injury and Death
Claims

COZEN O'CONNOR

/s/ Sean P. Carter

Sean P. Carter, Esquire
1650 Market Street, Suite 2800
Philadelphia, PA 19103

For the MDL 1570 Plaintiffs' Exec.
Committee for Commercial Claims

MOTLEY RICE

/s/ Robert T. Haefele

Robert T. Haefele, Esquire
28 Bridgeside Boulevard
Mt. Pleasant, SC 29464

For the MDL 1570 Plaintiffs' Exec.
Committee for Personal Injury and Death
Claims